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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

NORA K., THOMAS B.,  
AND GABRIEL B.

Plaintiff,

v.

UNITED HEALTHCARE SERVICES, INC.  
(doing business as United Healthcare) AND  
THE SCHUMACHER GROUP OF DELAWARE,  
INC., as Plan Administrator (doing business as  
The Schumacher Group or SCP – Health)

Defendants.

Case No. \_\_\_\_\_

**COMPLAINT**

The plaintiffs, Nora K., Thomas B., and Gabriel B. state as follows:

**Su)mmary**

1. This action involves medical charges from approximately October 31, 2016 to December 19, 2017 relating to Gabriel B.’s stay at Telos Residential Treatment Center in Utah. Gabriel B. was a

1 minor during those times. The plaintiffs bring this action under the federal ERISA statute to recover from  
2 the defendants reimbursement of medical necessary charges under a group health plan.

3 ***Parties***

4 2. The plaintiffs are currently residents of Lane County, Oregon. Nora K. and Thomas  
5 B., a married couple, are the parents of Gabriel B. The plaintiffs were residents of Yakima County,  
6 Washington during relevant times, including during their son Gabriel B.'s stay at Telos.

7 3. Nora B. was a participant in a group health plan in connection with her employment  
8 with The Schumacher Group in Yakima County, Washington. Her son Gabriel B. was a beneficiary,  
9 member, and a covered person under this group health plan at relevant times. Upon information and  
10 belief, the applicable group plan number is 708521, and Gabriel B.'s identification number ends in 5953

11 4. United Healthcare Services, Inc., is an out-of-state corporation. This defendant  
12 made claim decisions to deny reimbursement or coverage to the plaintiffs for the disputed health care  
13 claims. This defendant is a fiduciary of the applicable group health plan under ERISA. This defendant  
14 contracted with The Schumacher Group of Delaware, Inc., to process and pay claims under the applicable  
15 group health plan.

16 5. The Schumacher Group of Delaware, Inc., is an out-of-state corporation. This  
17 defendant maintained the applicable group health plan. It is the Plan Administrator of the applicable group  
18 health plan.

19 ***Jurisdiction and Venue***

20 6. This Court has subject-matter jurisdiction over this action under the Employee  
21 Retirement Income Security Act (ERISA). Under 29 U.S.C. §§ 1132(e)(1) and 1132(f), ERISA provides  
22 subject-matter jurisdiction to federal district courts over actions in which a plan participant or beneficiary  
23 seeks to recover employee welfare benefits under an employee welfare benefit plan. The plaintiffs seek

1 all relief available under ERISA, including the recovery of unreimbursed medical charges from  
2 approximately October 31, 2016 to December 19, 2017. relating to Gabriel B.'s stay at Telos, as well as  
3 attorney's fees under 29 U.S.C. § 1132(g), costs and interest, and all other appropriate relief. As a result  
4 of the defendants' refusal to reimburse for these unpaid charges, plaintiffs Nora K. and Thomas B. paid  
5 the charges themselves.

6 7. Venue is proper in this judicial district under 29 U.S.C. § 1132(e)(2) The defendants may  
7 be found in this judicial district. Each of the defendants does business in this judicial district. The  
8 defendants each also has substantial contacts within the United States. Each of the defendants does  
9 business around the United States. Nora K. worked for The Schumacher Groupe within this judicial  
10 district while covered under the group health plan.

11 8. In addition, the defendants communicated decisions to deny payment or reimbursement of  
12 medical charges to the plaintiffs while they resided in Yakima County, Washington.

13 9. ERISA provides for nationwide service of process. (*See* 29 U.S.C. § 11is 2(e)(2)).

14 . ***Facts***

15 10. Gabriel B., now an adult but a minor at relevant times, received care at Telos Residential  
16 Treatment Center in Utah from approximately October 7, 2016 to December 19, 2017.

17 11. The defendants approved the care and paid health care benefits under the group health plan  
18 from approximately October 7, 2016 to October 30, 2016. The defendants denied payment and  
19 reimbursement of charges from approximately October 31, 2016 to December 19, 2017 for this care. The  
20 defendants wrongly indicated that this period of care was not medically necessary. However, the care  
21 was medically appropriate and necessary and covered by the applicable group health plan.

12 As a result of the denials by the defendants, the plaintiffs were themselves liable relating to the stay at Telos. The plaintiffs now seek reimbursement by the defendants under the applicable group health plan for the care that took place from approximately October 31, 2016 to December 19, 2017.

13. The plaintiffs have exhausted the internal appeals under the group health plan.

*pp* **Plaintiffs' Claims**

14 The plaintiffs reassert all allegation in paragraphs 1-13 above.

15. The defendants breached the terms of the applicable group health plan to provide health care benefits. The plaintiffs seek to recover all health care benefits owed to them as a result of the denied health care claims under the group health plan.

## Request for Relief

WHEREFORE, the plaintiffs, and each of them, requests the following relief:

1. A trial to decide this matter;
2. A judgment in favor of the plaintiffs against the defendant for the benefits owed to them as a result of the disputed health care charges;
3. A bench hearing to determine the exact amount owed to the plaintiffs by the defendants;
4. An award of pre-judgment and post-judgment interest against the defendant as allowed by law;
5. An award of costs against the defendant; and
8. All other relief to which the plaintiffs are entitled.

Dated: October 6, 2020

Respectfully submitted,

s/ John Walker Wood  
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